

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

GREGORY GRANTHAM

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Criminal No. JFM-12-0103
Civil No. – JFM-15-3229

MEMORANDUM

Gregory Grantham has filed a motion under 28 U.S.C. §2255. He claims that this court inaccurately computed his Sentencing Guidelines. He has also filed a motion for discovery on his Section 2255 motion.¹ The Government has opposed the motions. Both motions will be denied.

Grantham pled guilty to conspiracy to commit wire fraud, wire fraud, and obstruction of justice. The plea agreement contained a provision in which Grantham waived his right to appeal matters relating to the calculation of the Sentencing Guidelines. Grantham did not file an appeal.

Grantham cannot show cause as to why he did not raise the issues set forth in his Section 2255 motion on appeal. Thus, he is precluded from raising those issues now. *See United States v. Frady*, 456 U.S. 152, 167 (1982). Moreover, he cannot demonstrate that the alleged miscalculation of the of the advisory Guidelines range constituted a “miscarriage of justice” as required to attack a sentence under Section 2255. *See United States v. Pregent*, 190 F.3d 279, 283-84 (4th Cir. 1999). Further, regardless of the merits of Grantham’s claim, this court

¹ Grantham also originally alleged that his counsel was ineffective but he has filed a motion to vacate that claim.

exercised its independent discretion under 28 U.S.C. §3553 in imposing a five year sentence upon him.

A separate order denying Grantham's motion is being entered herewith.

Date: 7/28/16

J. Frederick Motz
J. Frederick Motz
United States District Judge

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